

MAZIE SLATER KATZ & FREEMAN, LLC

103 Eisenhower Parkway, Suite 207, Roseland, NJ 07068

Phone: (973) 228-9898 - Fax: (973) 228-0303

www.mazieslater.com

David A. Mazie*
Adam M. Slater*^o
Eric D. Katz*^o
David M. Freeman
Beth G. Baldinger^o
Matthew R. Mendelsohn^o
David M. Estes

Writer's Direct Dial & Email:
mrm@mazieslater.com
(973) 228-0391

Karen G. Kelsen^o
Cheryll A. Calderon
Adam M. Epstein^o
Cory J. Rothbort^o
Michael R. Griffith^o
Christopher J. Geddis
Matthew R. Tonzola

February 7, 2020

*Certified by the Supreme Court of
New Jersey as a Civil Trial Attorney

^oMember of N.J. & N.Y. Bars

Via ECF

Honorable Joseph A. Dickson, U.S.M.J.
United States District Court
50 Walnut Street
Newark, New Jersey 07102

Re: *Neale v. Volvo Cars of N. Am., LLC et als.*, No.: 2:10-cv-4407-MCA-JAD

Dear Judge Dickson:

Along with my co-counsel, I represent the Plaintiffs in this case. I am writing pursuant to the January 30, 2020 Text Order (Dkt. No. 481) requiring Plaintiffs to update the Court on the status of the subpoena issued to Experian. Since our last update to the Court we have received a definitive response from Experian regarding its anticipated compliance with the subpoena. In short, Experian has advised that it can and will be producing the requested data for New Jersey and Florida, and is currently determining how long it will take to produce that data.

However, Experian has advised that after analyzing its contracts with the California and Massachusetts DMVs, it determined that those contracts (and the associated state privacy laws) do not permit it to release the requested data without, at a minimum, an Order (1) certifying a class, (2) appointing a notice administrator, and (3) approving a proposed notice to the class. In an effort to circumvent these contractual limitations, today Plaintiffs issued subpoenas to the California and Massachusetts DMVs requesting the data directly. Those subpoenas are returnable on February 28, 2020.

The parties and Experian's counsel remain happy to participate in a telephone conference with Your Honor to discuss this ongoing process.

Respectfully submitted,

/s/ Matthew R. Mendelsohn

MATTHEW R. MENDELSON

cc: All Counsel (via ECF)
Jennifer Sun, Esq. (via email)